

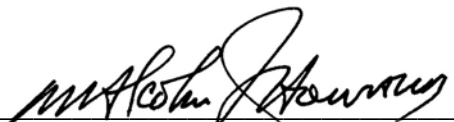
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-CV-103-H

JOHN V. BROWN and BARBARA H.)
BROWN,)
)
Plaintiffs,)
)
v.)
)
MBNA AMERICA BANK, N.A.;)
SMITH, DEBNAM, NARRON, WYCH,)
SAINTSING & MYERS, L.L.P.;)
PABLO ZABALA, ESQ.; WOLPOFF &)
ABRAMSON, L.L.P.; JOHN DOE,)
JANE DOE & ONE UP,)
)
Defendants.)

ORDER

This matter is before the court on plaintiff's motion for voluntary dismissal [DE #11]. Defendants have not yet answered in this matter. Therefore, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, plaintiff may cause this action to be dismissed without court order. The court will construe plaintiff's motion for voluntary dismissal as the requisite "notice of dismissal" under Rule 41(a)(1), and this action is therefore DISMISSED WITHOUT PREJUDICE. All other pending motions are DEEMED MOOT and the clerk is directed to close this case.

This the 22nd day of August, 2006.


MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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